

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

TRAVIS KEITH EDDY,
Plaintiff,

v.

DALE BLOSSER,
Defendant.

) **Civil Action No. 5:17-cv-00033**
)
)

) **MEMORANDUM OPINION**
)

) **By: Hon. Michael F. Urbanski**
) **United States District Judge**

Travis Keith Eddy, a Virginia inmate proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 naming three defendants: Special Agent Dale Blosser, the Virginia State Police Bureau of Investigation General Investigation Section, and Commonwealths Polygraph Technician Officials.

The court must dismiss any action or claim filed by an inmate if it is frivolous, meaning it is based on “an indisputably meritless legal theory,” “infringement of a legal interest which clearly does not exist,” or “clearly baseless” factual contentions. Neitzke v. Williams, 490 U.S. 319, 327 (1989); see 28 U.S.C. §§ 1915(e)(2), 1915A(b)(1); 42 U.S.C. § 1997e(c). Neither the Commonwealth of Virginia nor its Department of State Police is a “person” for purposes of § 1983. See Will v. Michigan Dep’t of State Police, 491 U.S. 58, 70 (1989) (stating states and governmental entities that are considered arms of the state are not persons under § 1983). A collection of staff, such as technicians or an organizational section, is also not a “person” for purposes of § 1983. See, e.g., Ferguson v. Morgan, No. 1:90cv06318, 1991 U.S. Dist. LEXIS 8295, 1991 WL 115759, at *1 (S.D.N.Y. June 20, 1991) (concluding that a group of personnel, like “medical staff,” is not a “person” for purposes of § 1983). Accordingly, Plaintiff pursues an indisputably meritless legal theory by naming either the Virginia State Police Bureau of Investigation General Investigation Section or Commonwealths Polygraph Technician Officials

as a defendant. Accordingly, claims against these two defendants are dismissed, and they are terminated from the case. The action shall proceed against Special Agent Dale Blosser.

ENTER: This 24th day of April, 2017.

/s/ Michael F. Urbanski

United States District Judge